

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ethan Waterman	Team: Squad #10	CCRB Case #: 202002726	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/21/2020 9:00 PM, Saturday, 03/21/2020 10:00 PM	Location of Incident: Nostrand Avenue and Myrtle Avenue, 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 9/21/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 04/10/2020 12:55 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/10/2020 12:55 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			079 PCT
2. POM Joel Vidal	15650	966390	079 PCT
3. POM Mohamed Elhanafi	15082	955897	079 PCT
4. LT Henry Daverin	00000	945645	079 PCT
5. POM Antonio Zorrilla	10893	961480	079 PCT
6. SGT Frederick Manney	04797	949938	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Patrick Reilly	16493	957993	079 PCT
2. POM Anthony Davila	14220	956571	079 PCT
3. SGT Sebastian Hajder	00229	953944	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Antonio Zorrilla	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Antonio Zorrilla stopped the vehicle in which § 87(2)(b) was an occupant.	
B.LT Henry Daverin	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin participated in stopping the vehicle in which § 87(2)(b) was an occupant.	
C.LT Henry Daverin	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin frisked § 87(2)(b)	
D.LT Henry Daverin	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin searched § 87(2)(b)	
E.LT Henry Daverin	Discourtesy: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.POM Antonio Zorrilla	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Antonio Zorrilla frisked § 87(2)(b) [REDACTED]	[REDACTED]
G.POM Mohamed Elhanafi	Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
H.POM Mohamed Elhanafi	Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
I.POM Mohamed Elhanafi	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]
J.LT Henry Daverin	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin arrested § 87(2)(b) [REDACTED] unlawfully.	[REDACTED]
K.SGT Frederick Manney	Discourtesy: At the 79th Precinct stationhouse, Sergeant Frederick Manney spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
L.SGT Frederick Manney	Off. Language: At the 79th Precinct stationhouse, Sergeant Frederick Manney made remarks to § 87(2)(b) [REDACTED] based upon the gender of § 87(2)(b) [REDACTED]	[REDACTED]
M. An officer	Abuse: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]
N.POM Joel Vidal	Abuse: At the 79th Precinct stationhouse, Police Officer Joel Vidal did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]
O. An officer	Abuse: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b) [REDACTED]	[REDACTED]
P. An officer	Discourtesy: At the 79th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
Q.LT Henry Daverin	Abuse: At the 79th Precinct stationhouse, Lieutenant Henry Daverin threatened to notify Administration for Children's Services.	[REDACTED]

## Case Summary

On April 10, 2020, § 87(2)(b) filed this complaint over the phone.

On March 21, 2020, at approximately 9:00 p.m., at the corner of Nostrand Avenue and Myrtle Avenue in Brooklyn, § 87(2)(b) drove his § 87(2)(b) with his sister § 87(2)(b) his acquaintance § 87(2)(b) his girlfriend § 87(2)(b) and his niece, § 87(2)(b) s six-year-old daughter. Lieutenant Henry Daverin of the 79<sup>th</sup> Precinct, who was in a vehicle with Police Officer Mohamed Elhanafi and Police Officer Antonio Zorrilla (both of the 79<sup>th</sup> Precinct), conducted a vehicle stop (**Allegations A and B, Abuse of Authority: Vehicle stop,** § 87(2)(g)). Lieutenant Daverin frisked and searched § 87(2)(b) (**Allegation C, Abuse of Authority: Frisk,** § 87(2)(g)) (**Allegation D, Abuse of Authority: Search,** § 87(2)(g)). Lieutenant Daverin told § 87(2)(b) “Don’t fucking move” (**Allegation E, Discourtesy: Word,** § 87(2)(g)). PO Zorrilla frisked § 87(2)(b) (**Allegation F, Abuse of Authority, Frisk,** § 87(2)(g)). PO Elhanafi pushed § 87(2)(b) onto § 87(2)(b) s § 87(2)(b) and punched her in the face (**Allegations G and H, Force: Physical force,** § 87(2)(g)). PO Elhanafi failed to provide his shield number to § 87(2)(b) upon her request (**Allegation I, Abuse of Authority: Refusal to provide shield number,** § 87(2)(g)).

Lieutenant Daverin oversaw and directed the arrests of § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) (Allegation J, Abuse of Authority: Unlawful Arrest, § 87(2)(b) and § 87(2)(b) (Allegation J, Abuse of Authority: Unlawful Arrest, § 87(2)(g)). Officers returned all four to the 79<sup>th</sup> Precinct stationhouse at approximately 10:00 p.m.. At the 79<sup>th</sup> Precinct stationhouse, Sergeant Frederick Manney of the 79<sup>th</sup> Precinct told § 87(2)(b) multiple times, “You don’t know shit” and “You’re not a man” (Allegation K, Discourtesy: Word, § 87(2)(g) (Allegation L, Offensive Language: Gender, § 87(2)(g)). An officer allegedly did not obtain medical treatment for § 87(2)(b) (Allegation M, Abuse of Authority: Refusal to obtain medical treatment, § 87(2)(g) PO Vidal allegedly did not obtain medical treatment for § 87(2)(b) (Allegation N, Abuse of Authority: Refusal to obtain medical treatment, § 87(2)(g)). When § 87(2)(b) asked for a menstrual pad, an officer allegedly told her that “This isn’t a hotel” and § 87(2)(b) did not receive a menstrual pad for many hours (Allegation O, Abuse of Authority: Refusal to obtain medical treatment, § 87(2)(g) (Allegation P, Discourtesy: Word, § 87(2)(g)). When § 87(2)(b) the brother of § 87(2)(b) and § 87(2)(b) came to the 79<sup>th</sup> Precinct stationhouse to take custody of § 87(2)(b)s daughter, Lieutenant Daverin allegedly threatened to notify the Administration for Children’s Services regarding the child (Allegation Q, Abuse of Authority: Threat to notify ACS, § 87(2)(g)).

§ 87(2)(b) was arrested for criminal possession of a weapon in the first, second, third and fourth degrees, a local law violation, unlawful possession of marijuana in the second degree, as well as VTL infractions of failure to signal and a child car seat violation (BR 01). § 87(2)(b)

[REDACTED]

§ 87(2)(b) was not arrested during this incident.

The investigation interviewed Police Officer Patrick Reilly of the 79<sup>th</sup> Precinct regarding this incident as a witness to the incident (**BR 09**). The investigation determined that PO Reilly was not witness to any of the allegations.

The investigation received body-worn camera (BWC) footage regarding this incident (**BR 10-30**), the relevant aspects of which shall be discussed below.

**Allegation (A) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Antonio Zorrilla stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (B) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin participated in stopping the vehicle in which § 87(2)(b) was an occupant.**

§ 87(2)(b) told the investigation (**BR 31-32**) that as he drove westbound on Myrtle Avenue towards the intersection with Nostrand Avenue, he noticed police lights coming towards him in the rearview mirror. Trying to get out of the way and allow the police vehicle to pass, § 87(2)(b) pulled over to the right without signaling, stopped the car in front of the B54 bus stop, and waited for the police vehicle to pass. The police vehicle, which was an unmarked black sedan, stopped directly behind § 87(2)(b)'s vehicle, and four male plainclothes officers exited the vehicle. An officer, who the investigation established through BWC as PO Zorrilla, approached § 87(2)(b) upon arriving at § 87(2)(b)'s window, PO Zorrilla asked § 87(2)(b) for the § 87(2)(b)'s keys. § 87(2)(b) asked PO Zorrilla why he was being stopped and PO Zorrilla said that § 87(2)(b) had failed to signal when he parked the car.

§ 87(2)(b)'s statements to the investigation (**BR 33-34**) were generally consistent with those of § 87(2)(b) except that she said that the police vehicle did not activate its police lights.

§ 87(2)(b)'s statements to the investigation (**BR 35**) were generally consistent with those of § 87(2)(b) except that she said that she saw the unmarked black police sedan follow § 87(2)(b) § 87(2)(b) for several blocks prior to activating its lights.

§ 87(2)(b) (**BR 36-37**) was not present for this portion of the incident.

As § 87(2)(b)'s daughter was six years old at the time of this incident, the investigation did not interview her.

§ 87(2)(b) declined to participate in this investigation. § 87(2)(b)

In his CCRB interview, PO Zorrilla said (**BR 38**) that he was driving in an unmarked police vehicle with Lieutenant Daverin and PO Elhanafi when he saw a § 87(2)(b) with Minnesota license plates fail to signal and pulled the car over. PO Zorrilla said there was no other reason to pull the car over. PO Zorrilla had not previously seen this § 87(2)(b) on March 21, 2020. PO Zorrilla then approached the vehicle and spoke with § 87(2)(b).

In his CCRB interview, PO Elhanafi (**BR 39**) said he sat in the backseat of the unmarked police vehicle. PO Elhanafi observed a four-door sedan fail to signal and stop in front of the bus stop on the northeast corner of Nostrand Avenue and Myrtle Avenue in Brooklyn. PO Elhanafi did not see any other infractions committed by the vehicle's driver.

In his CCRB interview, Lieutenant Daverin (**BR 40**) said he sat in the front passenger seat of the unmarked police vehicle. Someone in Lieutenant Daverin's vehicle observed a car commit a traffic infraction. Lieutenant Daverin did not know what the infraction was or who specifically identified it.

The BWC activations of Lieutenant Daverin, PO Elhanafi, and PO Zorrilla (**BR 10-12**) do not capture any traffic infractions committed by § 87(2)(b) in his § 87(2)(b).

Per Vehicle and Traffic Law § 1163 (**BR 41**), drivers must give an appropriate signal prior to turning any vehicle. Vehicle and Traffic Law § 1164 (**BR 42**) defines such appropriate signals as hand signals or signal lamps.

§ 87(2)(b) made a lane change without signaling. This is a vehicle and traffic law violation. § 87(2)(g)

**Allegation (C) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn,**

**Lieutenant Henry Daverin frisked § 87(2)(b)**

**Allegation (D) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn,**

**Lieutenant Henry Daverin searched § 87(2)(b)**

**Allegation (F) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn,**

**Police Officer Antonio Zorrilla frisked § 87(2)(b)**

It is undisputed that Lieutenant Daverin frisked and searched § 87(2)(b). It is also undisputed that PO Zorrilla frisked § 87(2)(b).

§ 87(2)(b) said that there was no odor of marijuana in the vehicle and § 87(2)(b) had not smoked any marijuana or tobacco on the date of this incident.

In his CCRB interview, Lieutenant Daverin said that while his car activated lights and sirens to pull the car over, Lieutenant Daverin saw the occupants in the rear seats of the car moving, specifically raising their shoulders and turning their bodies. Lieutenant Daverin noted that, while these actions alone are presumptively innocuous, these actions can indicate that a vehicle's occupants are trying to hide weapons or contraband from police officers. Lieutenant Daverin noted his experience in firearm arrests in regard. Once the car pulled over, Lieutenant Daverin approached the vehicle on the passenger side. Immediately, Lieutenant Daverin smelled a "fresh" odor of marijuana emanating from the vehicle. Lieutenant Daverin did not remember seeing any smoke inside the cabin of the car. Lieutenant Daverin frisked § 87(2)(b) pursuant to the odor of marijuana and recovered a pistol from § 87(2)(b)'s waistband. From the point that Lieutenant Daverin recovered the gun from § 87(2)(b)'s waistband, all the occupants of the car were considered under arrest because Lieutenant Daverin could not affirmatively identify the gun's owner.

In his CCRB interview, PO Zorrilla said he smelled an odor of marijuana emanating from the § 87(2)(b) but did not know if it was of burnt or unburnt marijuana. PO Zorrilla did not remember if there was any smoke inside the vehicle. PO Zorrilla said that he frisked and searched § 87(2)(b) for contraband. PO Zorrilla did not remember where he frisked and searched on § 87(2)(b)'s person and did not remember if he saw any bulges on § 87(2)(b)'s person.

PO Elhanafi's CCRB interview was generally consistent with that of Lieutenant Daverin regarding both the odor of marijuana and the proceedings with frisking and searching § 87(2)(b). Later, when PO Elhanafi conducted an inventory search of § 87(2)(b)'s § 87(2)(b) at the 79<sup>th</sup> Precinct stationhouse, PO Elhanafi recovered unburnt marijuana enclosed in Ziploc bags as well as a small roach from the center console and glove compartments of the vehicle.

Per PETS voucher documentation (BR 43-44), PO Elhanafi invoiced a § 87(2)(b) pistol with ammunition and magazine; the vouchers note that the pistol was recovered from the rear passenger of the vehicle. PO Elhanafi also invoiced a quantity of vegetative marijuana, a vegetative marijuana cigarette, a marijuana grinder, and a plastic bottle with marijuana residue.

Per *People v. Chestnut*, 36 N.Y.2d 971 (BR 45), the odor of marijuana emanating from a defendant's vehicle provides officers with probable cause to search the vehicle and its occupants.

Lieutenant Daverin, PO Elhanafi, and PO Zorrilla all said that they smelled an odor of marijuana emanating from § 87(2)(b) § 87(2)(b). PO Elhanafi ultimately recovered evidence of burnt and unburnt marijuana from § 87(2)(b) § 87(2)(b) § 87(2)(g).

**Allegation (E) Discourtesy: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)**

This allegation stems from Lieutenant Daverin's BWC (BR 09). At the 03:15 timestamp, as Lieutenant Daverin and PO Elhanafi begin to handcuff § 87(2)(b), Lieutenant Daverin says,

“Don’t move. Don’t fucking move.”

In his CCRB interview, Lieutenant Daverin said that he said, “Don’t fucking move” to § 87(2)(b) to emphasize the severity of the situation; he had just pulled a loaded gun off § 87(2)(b) which put Lieutenant Daverin in a heightened state due the inherent risk presented by that gun.

Per DAO-DCT Disciplinary Case No. 2013-10143 (BR 46), while officers are held to a high standard of conduct, the traditional rules of etiquette (including the prohibition of the use of profanity) cannot be applied to stressful enforcement situations.

Per the NYPD’s stated values elucidated in Patrol Guide Procedure 200-02 (BR 47), all members of service pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render [their] services with courtesy and civility.”

§ 87(2)(g)

**Allegation (G) Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against § 87(2)(b)**

**Allegation (H) Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against § 87(2)(b)**

§ 87(2)(b) told the investigation that, when PO Zorrilla directed § 87(2)(b) to step out of the vehicle, she exited the § 87(2)(b) to record the incident. § 87(2)(b) stood on the passenger side of the car. § 87(2)(b) noticed that approximately three police vehicles arrived, with more than ten officers arrived on-scene. Approximately 20 civilians looked on as well. When Lieutenant Daverin recovered the gun from § 87(2)(b) § 87(2)(b) repeatedly asked to see the weapon, but she never did. § 87(2)(b) came within approximately two arm’s lengths of the officers and § 87(2)(b) while she recorded them. Another officer yelled out, “Her too!” referring to § 87(2)(b). A female officer took § 87(2)(b) hands. § 87(2)(b) dropped her phone and put her arms behind her back. § 87(2)(b) kept her hands behind her back and said that she was not resisting arrest. While the female officer tried to grab her handcuffs, PO Elhanafi approached § 87(2)(b) pulled § 87(2)(b) wig off and pushed § 87(2)(b) against the hood of the § 87(2)(b). PO Elhanafi then turned § 87(2)(b) around by the hips and arms so that she faced towards the hood of the § 87(2)(b). § 87(2)(b) repeated that she was not resisting arrest and kept her arms behind her back. PO Elhanafi then began to frisk § 87(2)(b). § 87(2)(b) reiterated, however, that she was not resisting officers. § 87(2)(b) asked why she was being arrested. PO Elhanafi reached for his handcuffs but did not locate them immediately. § 87(2)(b) stood still, but PO Elhanafi kept pulling her arms left and right, forcing § 87(2)(b) to move in the same manner. PO Elhanafi then punched § 87(2)(b) in the face near her right eye and temple with a closed fist, using his right hand. § 87(2)(b) believed PO Elhanafi used his right hand because PO Elhanafi was holding § 87(2)(b) left hand at the time, presumably with his left. § 87(2)(b) yelled that PO Elhanafi punched her in the face, garnering a response from the crowd, with folks yelling, “No!” § 87(2)(b) cheek immediately began to swell, turning green and red, while she began to bleed from the mouth because PO Elhanafi loosened one of her teeth with his punch. Finally, nearly 90 seconds after the female officer first took § 87(2)(b) hands to be handcuffed, PO Elhanafi handcuffed § 87(2)(b).

§ 87(2)(b) told the investigation that § 87(2)(b) exited the § 87(2)(b) at the same time under the direction of officers. As § 87(2)(b) exited the vehicle, a female officer lunged at her, prompting her to drop her phone and step back. The female officer grabbed her and § 87(2)(b) put her arms behind her back to be handcuffed, saying, “I’m not resisting!” The female officer and PO Elhanafi slammed § 87(2)(b) face down on the hood of § 87(2)(b)s vehicle. PO Elhanafi then swatted § 87(2)(b) arms apart (as they remained behind her back, ready to be handcuffed) and

punched § 87(2)(b) in the face with his fist, causing swelling and some bleeding. § 87(2)(b) yelled, “He hit me in the face!” PO Elhanafi made no commands prior to lunging over to § 87(2)(b) and punching her in the face. § 87(2)(b) made no comments or sudden movements prior to PO Elhanafi punching her in the face.

§ 87(2)(b) told the investigation that After § 87(2)(b) exited the vehicle, officers asked § 87(2)(b) to exit the vehicle as well. § 87(2)(b) began to record the incident on her phone as she exited the vehicle. PO Elhanafi ran up to § 87(2)(b) pulled her hands behind her back, and then, although § 87(2)(b) hands were behind her back, pulled off § 87(2)(b) wig and afterwards, cocked his arm and punched § 87(2)(b) in the cheek with a closed fist. § 87(2)(b) cheek immediately swelled but did not bleed.

§ 87(2)(b) was not present for this portion of the incident.

As § 87(2)(b)'s daughter was six years old at the time of this incident, the investigation did not interview her.

Per PO Elhanafi's BWC activation between the 03:15 and 04:20 timestamps, the following occurs. PO Elhanafi handcuffs § 87(2)(b) while Lieutenant Daverin twice directs § 87(2)(b) “Stay in the car.” § 87(2)(b) who at first records the incident on her phone while the front passenger door stands partially open, fully exits the § 87(2)(b) at 03:25. § 87(2)(b) asks what § 87(2)(b) is being arrested for and if he and § 87(2)(b) are being detained; Lieutenant Daverin tells § 87(2)(b) that § 87(2)(b) had a gun on him. Through 03:40, PO Elhanafi appears to hold onto § 87(2)(b). At 03:40, PO Elhanafi lets § 87(2)(b) go to stand at the rear of the § 87(2)(b) § 87(2)(b) and § 87(2)(b) ask PO Elhanafi what everyone is being arrested for, and PO Elhanafi says that he will soon let them know. At 03:48, PO Elhanafi turns his torso to face § 87(2)(b). § 87(2)(b) is apparently within an arm's length of PO Elhanafi. At 03:52, § 87(2)(b) starts to yell at § 87(2)(b) for his decision to carry a gun on him with a child inside the car. At 03:58, PO Elhanafi asks Lieutenant Daverin, “You want them under too?” Lieutenant Daverin replies, “Cuff her for now.” At 04:00, PO Elhanafi begins to approach § 87(2)(b) who takes a step back in response and says, “Don't touch me.” § 87(2)(b) holds her phone out in front of her. PO Elhanafi takes another step forward and tells § 87(2)(b) “Turn around.” § 87(2)(b) takes another step back without turning her torso – PO Elhanafi remains within an arm's length of § 87(2)(b). At 04:03, PO Elhanafi, while gritting, “Turn around, I'm not playing,” apparently grabs § 87(2)(b) by her left arm. This is the first time that PO Elhanafi grabs towards § 87(2)(b). § 87(2)(b) stumbles but does not otherwise change her body position. PO Elhanafi then pushes § 87(2)(b) onto the hood of the § 87(2)(b) – § 87(2)(b) torso faces towards the sky. PO Elhanafi says, “Turn around” while a loud thud is audible contemporaneously. PO Elhanafi's camera then falls to the ground at 04:10 – it is unclear from the vantage point of the ground which physical actions PO Elhanafi takes next. At 04:12, another loud thud is audible. Immediately after this thud, § 87(2)(b) says while evidently crying, “No, are you dumb? Are you dumb?” This is followed by audible sobs from § 87(2)(b).

In his CCRB interview, PO Elhanafi said that he had never previously interacted with § 87(2)(b). At the point when § 87(2)(b) was going to be arrested, § 87(2)(b) exited the vehicle and started yelling at § 87(2)(b). A supervisor (PO Elhanafi did not recall who told him) determined that, at the point which § 87(2)(b) was yelling at § 87(2)(b) that everyone needed to be handcuffed and arrested. At this point, additional units had arrived. PO Elhanafi was the person closest (approximately two arm-lengths away) to § 87(2)(b) so he approached her. PO Elhanafi told her, “Listen, I'm going to have to place you under arrest for further investigation,” and § 87(2)(b) responded, “What for?” and “Don't touch me” and “Get away from me.” PO Elhanafi said again to § 87(2)(b) that he had to place § 87(2)(b) under arrest and take her back to the precinct. PO Elhanafi was trying to do things calmly, but § 87(2)(b) refused to be handcuffed. This dialogue took place over approximately 30-60 seconds. PO Elhanafi tried to grab § 87(2)(b) arms, but she walked approximately one-to-two-arms'-lengths away to keep PO Elhanafi from being able to grab her. § 87(2)(b) eluded PO Elhanafi's grasp twice. PO Elhanafi said to the

investigation that there was not a way to nicely ask her to get into handcuffs and it was necessary for PO Elhanafi to handcuff her. § 87(2)(b) was passively resisting by walking away from PO Elhanafi, refusing to give over her arms, tensing herself up, flailing her arms, and telling him to not touch her. PO Elhanafi feared that § 87(2)(b) might flee the scene given these actions. PO Elhanafi said that it was possible that § 87(2)(b) could have posed a threat to him but admitted that he could not articulate any reasons why he considered it a possibility. § 87(2)(b) was approximately 5'7"-5'8" and was approximately 200 pounds. PO Elhanafi then grabbed and held onto § 87(2)(b) by the upper arms and shoulders. § 87(2)(b) then swung her body, specifically twisting her upper torso and shoulder around to evade PO Elhanafi's attempt to grab her. PO Elhanafi still held onto § 87(2)(b) left arm. In turning, § 87(2)(b) back faced PO Elhanafi whereas her front faced towards the hood of the car. PO Elhanafi increased his resistance to keep hold of § 87(2)(b) and also, in holding onto § 87(2)(b) proceeded towards the hood. While going towards the hood, PO Elhanafi punched § 87(2)(b) with a closed fist on the right side of § 87(2)(b) face near the ear. PO Elhanafi punched her with his right hand. § 87(2)(b) landed on the hood of the car with her torso, stomach, and face. PO Elhanafi punched § 87(2)(b) because he was by himself, because § 87(2)(b) was "a big girl," and because PO Elhanafi needed to gain compliance. § 87(2)(b) in response to the punch, said, "How could you hit me?" PO Elhanafi told her, "You were resisting. I wanted to get your hands behind your back." PO Elhanafi then handcuffed § 87(2)(b).

In his CCRB interview, Lieutenant Daverin said he never saw PO Elhanafi use force on § 87(2)(b) or on any of the women arrested during this incident.

In his CCRB interview, PO Zorrilla noted that § 87(2)(b) was screaming but did not remember specifics. PO Zorrilla did not remember if § 87(2)(b) was doing anything else. PO Zorrilla did not know who arrested § 87(2)(b) nor did he see the process of her arrest. PO Zorrilla did not see PO Elhanafi slam § 87(2)(b) onto the hood of the car, nor did he see PO Elhanafi punch her in the face.

Per PO Zorrilla's BWC between the 03:45 and 04:25 timestamps, both § 87(2)(b) and § 87(2)(b) are handcuffed when PO Elhanafi pushes § 87(2)(b) to the hood of the car. § 87(2)(b) and her daughter are still seated in § 87(2)(b)'s car. PO Zorrilla holds onto § 87(2)(b) while Lieutenant Daverin holds onto § 87(2)(b).

Police Officer Eduardo Davila of the 79<sup>th</sup> Precinct was part of one of the backing units which was called to the scene. Per his BWC activation (**BR 13**) between the 00:55 and 01:05 timestamps, which captures the moment when PO Elhanafi begins to handcuff § 87(2)(b) there is no indication of a crowd on the sidewalk or in the street near PO Elhanafi's and § 87(2)(b) position.

Sgt. Manney prepared a Threat, Resistance, and Injury Report (**BR 48**) regarding this incident. Sgt. Manney listed that PO Elhanafi used a hand strike and wrestled/grappled with § 87(2)(b) resulting in minor contusions. Sgt. Manney wrote in the narrative that § 87(2)(b) resisted arrest and the PO Elhanafi used a "necessary amount of force" to place her in custody for criminal possession of a loaded firearm. A photograph attached to the report showed the right side of § 87(2)(b) face, which had bruising on the upper cheekbone.

§ 87(2)(b) pedigree information on her arrest photograph (**BR 49**) listed her as 5'6" and 180 pounds.

PO Elhanafi listed his height and weight on his pedigree sheet as 6'2" and 260 pounds (**BR 50**).

Before addressing the rule, a factual synthesis. Approximately 40 seconds before PO Elhanafi pushes § 87(2)(b) onto the hood of § 87(2)(b)'s § 87(2)(b) Lieutenant Daverin ordered § 87(2)(b) to sit back down in the car. § 87(2)(b) did not comply. § 87(2)(b) recorded the incident on her phone while yelling at § 87(2)(b) at one point getting within an arm's length of PO Elhanafi. Lieutenant Daverin directed PO Elhanafi to handcuff § 87(2)(b) PO Elhanafi then approached § 87(2)(b) At the moment when PO Elhanafi approached § 87(2)(b) there was no



crowd in the vicinity of the car stop, § 87(2)(b) and § 87(2)(b) had been handcuffed and were secured by PO Zorrilla and Lieutenant Daverin, and § 87(2)(b) and her daughter sat in the § 87(2)(b) § 87(2)(b) took a single step back and said, “Don’t touch me,” when PO Elhanafi first approached. PO Elhanafi then once directed § 87(2)(b) to “Turn around.” § 87(2)(b) took another step backwards as PO Elhanafi stood within an arm’s length of her. Four seconds after Lieutenant Daverin ordered PO Elhanafi to handcuff § 87(2)(b) PO Elhanafi grabbed § 87(2)(b) left arm and pushed her towards the hood of § 87(2)(b) § 87(2)(b) § 87(2)(b) did not physically resist; the only change in her body position was her stumbling when PO Elhanafi first grabbed her arm. Then, per PO Elhanafi’s retelling, PO Elhanafi punched § 87(2)(b) in the face with his right fist while he pushed her to the hood of the car. PO Elhanafi subsequently handcuffed § 87(2)(b)

Some material notes of clarification: PO Elhanafi said that he dialogued with § 87(2)(b) for approximately 30-60 seconds before grabbing § 87(2)(b) In actuality, he dialogued with her for approximately three seconds. PO Elhanafi said that he twice tried to grab § 87(2)(b) arms before pushing her onto the hood of the car and claimed that both times she evaded him. Per his BWC, this did not happen. PO Elhanafi said that, as he grabbed § 87(2)(b) by the upper arms and shoulders, § 87(2)(b) twisted her torso and shoulders to evade PO Elhanafi’s attempt to grab her. Per his BWC, this did not happen. § 87(2)(b) torso and shoulders did not change their orientation to PO Elhanafi and her only reaction, per PO Elhanafi’s BWC, was to stumble backwards upon PO Elhanafi grabbing her.

Per Patrol Guide Procedure 221-01 (BR 51), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject’s violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(g) Within four seconds of Lieutenant Daverin’s order to handcuff § 87(2)(b) PO Elhanafi grabbed her torso, punched her once in the face, and pushed her onto the hood of a parked vehicle. In those four seconds, the totality of § 87(2)(b) actions consisted of stepping two steps backwards and saying, “Don’t touch me” once. PO Elhanafi could not articulate any reason to believe that § 87(2)(b) presented herself as a threat to him or others, § 87(2)(g) taking two steps backward in three seconds while facing an officer does not constitute an attempt to flee the scene. There was no crowd, no disadvantage in numbers, no size disadvantage with which PO Elhanafi contended. § 87(2)(g)

**Allegation (I) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi refused to provide his shield number to § 87(2)(b)**

This allegation stems from PO Elhanafi’s BWC (BR 11). Per PO Elhanafi’s BWC, at the 05:09 timestamp, a handcuffed § 87(2)(b) says to PO Elhanafi, “You punched me in my face. Can I see your badge number?” PO Elhanafi provides no audible response while he walks with PO Elhanafi towards a police vehicle.

PO Elhanafi initially did not recall if § 87(2)(b) ever asked him for his shield number. After reviewing the BWC clip cited above, PO Elhanafi claimed that he believed that § 87(2)(b) was asking someone else for their shield number.

Per Patrol Guide Procedure 203-09 (BR 52), all uniformed members of service are to

courteously and clearly state their shield numbers to anyone who requests them to do so.

§ 87(2)(g) clearly asks him, and not some other officer, for his shield number. PO Elhanafi was required to provide his shield number to § 87(2)(b) per Patrol Guide Procedure 203-09. Even though he was § 87(2)(b) arresting officer, PO Elhanafi's shield number would not be present on any paperwork that § 87(2)(b) received regarding her arrest. § 87(2)(g)

**Allegation (J) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin arrested § 87(2)(b) unlawfully.**

In his CCRB interview (BR 40), Lieutenant Daverin said that from the point that he recovered the gun from § 87(2)(b)'s waistband, all the occupants of the car were considered under arrest. Lieutenant Daverin explained that the movements of the occupants in the backseat when Lieutenant Daverin first approached the car suggested that the gun could have been owned by any occupant of the car and not just to § 87(2)(b). In essence, Lieutenant Daverin could not affirmatively identify the gun's owner, so everyone was considered under arrest at this point. There were no additional reasons to arrest every occupant of the vehicle.

At the 02:10 timestamp of his second BWC (BR 21), Lieutenant Daverin tells another uniformed officer that § 87(2)(b) is going to be arrested.

While § 87(2)(b)'s arrest was ultimately sealed, the investigation received property vouchers (BR 44) that listed § 87(2)(b) as a prisoner regarding a crime of criminal possession of a weapon, or Penal Law 265.03.

Per Penal Law §265.15 (BR 77), the presence in an automobile, other than a stolen one or a public omnibus, of any firearm, large capacity ammunition feeding device, defaced firearm, defaced rifle or shotgun, defaced large capacity ammunition feeding device, firearm silencer, explosive or incendiary bomb, bombshell, switchblade knife, pilum ballistic knife, metal knuckle knife, dagger, dirk, stiletto, billy, blackjack, plastic knuckles, metal knuckles, chuka stick, sandbag, sandclub or slungshot is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein.

Lieutenant Daverin told the investigation that he recovered a firearm from § 87(2)(b)'s waistband. Because the weapon was found upon a specific person, § 87(2)(g)

**Allegation (K) Discourtesy: At the 79th Precinct stationhouse, Sergeant Frederick Manney spoke discourteously to § 87(2)(b)**

**Allegation (L) Offensive Language: At the 79th Precinct stationhouse, Sergeant Frederick Manney made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)**

This allegation stems from Sgt. Manney's BWC (BR 29). Per Sgt. Manney's BWC, between the 01:55 and 02:25 timestamps, Sgt. Manney stands behind the 79<sup>th</sup> Precinct stationhouse's main desk while handcuffed § 87(2)(b) and § 87(2)(b) stand in front of it. Sgt. Manney and § 87(2)(b) dialogue, with Sgt. Manney recommending that § 87(2)(b) stop talking and stop bothering § 87(2)(b). § 87(2)(b) cites his first amendment rights while Sgt. Manney notes that § 87(2)(b)'s actions have led to everyone being arrested. Multiple times Sgt. Manney asks § 87(2)(b) if he fought for the United States while § 87(2)(b) again cites his first amendment rights. Ultimately, at 02:15, Sgt. Manney says to § 87(2)(b) "You don't know shit. You don't know shit. You're not a man. You're not a man. You're not a man." Sgt. Manney goes on to say, "Look what you did to your family," multiple times.

In his CCRB interview following a review of the BWC noted above (**BR 53**), Sgt. Manney said that he felt “some kind of way” about how § 87(2)(b) had been acting; § 87(2)(b)s actions had led to everyone getting arrested, while § 87(2)(b) continued to be verbally combative and looked like he didn’t care about the consequences of his actions.

Per DAO-DCT Disciplinary Case No. 2013-10143 (BR 46), while officers are held to a high standard of conduct, traditional rules of etiquette, including the prohibition of the use of profanity, cannot be applied to stressful enforcement situations.

Per the NYPD’s stated values elucidated in Patrol Guide Procedure 200-02 (BR 47), all members of service pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render [their] services with courtesy and civility.”

Sgt. Manney used profanity in a mundane, non-dangerous situation – speaking to a talkative prisoner while standing behind the main desk of his stationhouse. Regardless of his feeling “some kind of way” about § 87(2)(b) Sgt. Manney’s statements of “You don’t know shit” and “You’re not a man” fail to uphold the NYPD’s values of higher standards of integrity and of respecting the dignity of all people by acting civilly and courteously. § 87(2)(g)

Per Patrol Guide Procedure 203-10 (BR 54), officers are prohibited from using discourteous or disrespectful remarks regarding another person’s gender.

Sgt. Manney tells § 87(2)(b) repeatedly, “You’re not a man.” This is definitionally a discourteous and disrespectful remark regarding § 87(2)(b)s gender. § 87(2)(g)

**Allegation (M) Abuse of Authority: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)**

**Allegation (N) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Joel Vidal did not obtain medical treatment for § 87(2)(b)**

§ 87(2)(b) told the investigation that she asked three times for medical attention while at the stationhouse. § 87(2)(b) once asked an unknown plainclothes officer for medical attention, who said that he was unable to assist her because her case involved the detective squad. § 87(2)(b) also PO Vidal twice for medical attention, and each time PO Vidal said he would come back to help but did not do so. § 87(2)(b) said that she did not received any medical treatment while she was lodged at the 79<sup>th</sup> Precinct stationhouse.

Per PO Davila’s BWC activation (**BR 13**) at the 15:34 timestamp, § 87(2)(b) says in front of a group of both uniformed and plainclothes officers, “Yo, he hurt my back. I want to go to the hospital. This shit hurt. My fucking bones hurt. I am so aggravated.”

§ 87(2)(b) told the investigation that he was separated from § 87(2)(b) while he was lodged at the stationhouse – the holding cells were in different rooms. However, § 87(2)(b) heard § 87(2)(b) ask for an ambulance.

§ 87(2)(b) told the investigation that she was also separated from § 87(2)(b) while lodges in the stationhouse – the holding cells were in different rooms. § 87(2)(b) did not hear anything that § 87(2)(b) said while she was lodged at the precinct stationhouse. § 87(2)(b) noted that officers called an ambulance for her because she hyperventilated. EMTs addressed § 87(2)(b) and calmed her down before leaving.

Per the prisoner holding pen roster prepared for March 21, 2020 (**BR 55**), there were seven prisoners lodged at the 79<sup>th</sup> Precinct stationhouse as of 10:52 p.m. PO Vidal is listed as the member of service responsible for guarding the prisoners until 7:30 a.m. on March 22, 2020.

In his CCRB interview, PO Vidal told the investigation (**BR 56**) that he did not ever hear any prisoners ask for medical attention. PO Vidal also initially told the investigation that he was not responsible for any of the prisoners on the night of the incident; after reviewing the prisoner holding pen roster prepared on the night of this incident, he admitted that he was the officer

responsible for the care of the prisoners on the night of this incident. Still, PO Vidal said that he did not recall having any interaction with § 87(2)(b).

Sgt. Manney wrote in the TRI he prepared (BR 48) regarding § 87(2)(b) that § 87(2)(b) refused medical attention. Sgt. Manney did not dispute that he prepared the TRI but had no recollection of doing so. Sgt. Manney believed, after reviewing his memo book, that officers called an ambulance for § 87(2)(b) and she refused treatment at the 79<sup>th</sup> Precinct stationhouse. Sgt. Manney believed he took photographs of § 87(2)(b) injuries but did not independently recall.

A request for a Medical Treatment of Prisoner Report regarding § 87(2)(b) returned negative results (BR 57).

Per the 79<sup>th</sup> Precinct command log, the arrest entry for § 87(2)(b) listed her physical condition as “apparently normal” and did not contain any notes clarifying whether she received medical treatment at the stationhouse (BR 58).

In his CCRB interview, PO Elhanafi said that he did not recall if § 87(2)(b) ever asked him or any other officers for medical attention.

Sgt. Hajder was the desk sergeant at the time of this incident. In his CCRB interview, Sgt. Hajder said (BR 59) that one of his responsibilities as the desk sergeant included the supervision of cells attendants and assuring the well-being of all lodged prisoners. Sgt. Hajder did not have any recollection of interacting with § 87(2)(b) on the night of this incident. Sgt. Hajder did not recall if anybody ever asked him for medical attention on the night of the incident. Sgt. Hajder did not ever refuse to provide medical attention to § 87(2)(b).

Per EVENT documentation (BR 60), the 79<sup>th</sup> Precinct made two calls for an ambulance at 10:52 p.m. and 10:56 p.m. The first regarded a prisoner who had difficulty breathing while the second regarded a prisoner with minor injuries. Ultimately, one ambulance responded to and ultimately finalized both jobs without removing anyone to a medical facility.

The investigation was unable to request stationhouse video footage of the timeframe, as by the time § 87(2)(b) spoke with the investigation, the retention period for stationhouse footage had passed.

None of the 19 BWC activations received regarding this incident depict § 87(2)(b) being treated by medical professionals.

It is evident that § 87(2)(b) requested medical attention. It is also clear that a member(s) of service called for medical attention at the 79<sup>th</sup> Precinct stationhouse regarding a prisoner with minor injuries. It is not clear, however, if § 87(2)(b) specifically received medical attention; she said she did not, Sergeant Manney said she refused it, no other civilian was in a position to witness whether § 87(2)(b) received medical attention, and no other member of service had an independent recollection of whether § 87(2)(b) received medical attention. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (O) Abuse of Authority: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)**

**Allegation (P) Discourtesy: At the 79th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)**

§ 87(2)(b) told the investigation that, at approximately 5:00 a.m. on March 22, 2020, she was still in a holding cell at the 79<sup>th</sup> Precinct stationhouse when she yelled and asked for a menstruation pad. An officer, who § 87(2)(b) heard but did not see, yelled back at § 87(2)(b) that the precinct “was not a hotel.” At some point a long time later § 87(2)(b) was unable to determine how long an officer provided § 87(2)(b) with a menstrual pad.

§ 87(2)(b) told the investigation that § 87(2)(b) asked for a menstrual pad every time § 87(2)(b) went to the bathroom but did not know if § 87(2)(b) ever received a



menstrual pad.

§ 87(2)(b) said that § 87(2)(b) asked for a menstrual pad every time she asked to use the restroom at the 79<sup>th</sup> Precinct stationhouse. Officers did not provide § 87(2)(b) with a menstrual pad until a couple hours before officers took § 87(2)(b) to Central Bookings with himself, § 87(2)(b) and § 87(2)(b).

§ 87(2)(b)'s arrest and arraignment sheet were sealed, but the arraignment sheets of § 87(2)(b), § 87(2)(b) and § 87(2)(b) (BR 61-63) showed that they were transferred to Brooklyn Central Bookings between 5:09 p.m. and 5:15 p.m. on March 22, 2020.

The investigation was unable to request stationhouse video footage of the timeframe, as by the time § 87(2)(b) spoke with the investigation, the retention period for stationhouse footage had passed.

None of the 19 BWC activations received regarding this incident depict § 87(2)(b) asking for or receiving a menstrual pad.

As noted above, PO Vidal was the cell attendant at the time § 87(2)(b) yelled for a menstrual pad. In his CCRB interview, PO Vidal said he had no recollection of interacting with § 87(2)(b) on the night of the incident. PO Vidal did not recall if § 87(2)(b) asked him for a sanitary menstrual pad, nor did he recall hearing if § 87(2)(b) asked another officer, nor did he recall if § 87(2)(b) ever received a sanitary menstrual pad. PO Vidal did not ever tell § 87(2)(b) that the 79<sup>th</sup> Precinct stationhouse was “not a hotel.”

As noted above, Sgt. Hajder was the desk sergeant. Sgt. Hajder worked until 8:02 a.m. on March 22, 2021 – he was on-duty when § 87(2)(b) yelled for a menstrual pad. Sgt. Hajder did not recall ever hearing about a cell attendant refusing to provide § 87(2)(b) with a tampon or menstrual pad. Sgt. Hajder did not recall if he or another officer ever told § 87(2)(b) that the precinct “is not a hotel” in response to her asking for a tampon or menstrual pad.

Per his memo book (BR 64), PO Elhanafi worked until 2:35 a.m. on March 22, 2020, and thus was not present when § 87(2)(b) yelled for a menstrual pad. In his CCRB interview, however, PO Elhanafi provided the following context: to his knowledge, tampons and sanitary pads were not kept at the precinct for prisoners. In the past, when he had been made aware that female prisoners needed them, PO Elhanafi has purchased sanitary pads and tampons with his own money.

Additional to PO Vidal and Sgt. Hajder, none of the other officers interviewed for this case was working at 5:00 a.m. on March 21, 2020.

§ 87(2)(g)

**Allegation (Q) Abuse of Authority: At the 79th Precinct stationhouse, Lieutenant Henry Daverin threatened to notify Administration for Children's Services.**

§ 87(2)(b) told the investigation that § 87(2)(b) called him from the 79<sup>th</sup> Precinct stationhouse and asked him to come and pick up her daughter who had been in § 87(2)(b). § 87(2)(b) went with his wife, § 87(2)(b) to the stationhouse. After being directed to take a seat, Lieutenant Daverin told § 87(2)(b) and § 87(2)(b) that he could help them. § 87(2)(b) then explained that he and § 87(2)(b) had come to pick up their niece and make sure that she was in good health. Lieutenant Daverin led the two further back into the stationhouse towards § 87(2)(b)'s daughter. § 87(2)(b) asked Lieutenant Daverin what had happened earlier in the evening, and Lieutenant Daverin alleged that § 87(2)(b) did not care about his niece. § 87(2)(b) responded that the first thing he did upon arriving at the stationhouse was to make sure that his niece was okay. Lieutenant Daverin reasserted that § 87(2)(b) did not care about his niece and went on to say the following: “I could have made this difficult; I could have called ACS on your sister. Your niece was in the car without a car-seat.”

Lieutenant Daverin asserted again that § 87(2)(b) did not care about his niece and ultimately laughed and walked away from § 87(2)(b).

In his CCRB interview, Lieutenant Daverin said that the § 87(2)(b) identified a family member to care for the child and that family member later took custody of the child. Lieutenant Daverin said that he preferred in these situations to not involve the Administration for Children's Services (ACS) when possible. Lieutenant Daverin said that he never called ACS and never threatened to call ACS. Lieutenant Daverin said that he may have explained the situation to the family member which took custody of the child, but never said that he could have called ACS regarding the child.

Per Patrol Guide Procedure 215-01 (BR 65), officers were required to notify ACS Emergency Children's Service and the ACS Instant Response Team Coordinator in all situations when a child less than eighteen of years of age is without care or supervision due to the arrest of their guardian.

While § 87(2)(b) alleged that Lieutenant Daverin threatened to call ACS, Lieutenant Daverin denied this. § 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- § 87(2)(b)
- § 87(2)(b)
- This is the first complaint to which § 87(2)(b) is a party (BR 69).
- § 87(2)(b)
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- Lieutenant Daverin has been a member of service for 13 years and has been subject in 34 CCRB cases and 126 allegations, 14 of which have been substantiated.
  - 201502623 involved substantiated allegations of frisk, refusal to provide name/shield number, and a vehicle search. The Board recommended and the NYPD imposed Command Discipline A.
  - § 87(2)(g), § 87(4-b)

- 201604699 involved a substantiated allegation of premises entered and/or searched. The Board recommended Command Discipline B and the NYPD imposed no penalty. § 87(2)(g), § 87(4-b)
- [REDACTED] The NYPD imposed no penalty.
- 201609358 involved a citation for other misconduct regarding the failure to prepare a memo book entry. The NYPD imposed Command Discipline B.
- § 87(2)(g), § 87(4-b)
- § 87(2)(g), § 87(4-b)
- 201911006 involved substantiated allegations of a frisk, two stops, and discourtesy – word. The Board recommended Command Discipline B and the NYPD’s imposed penalty is not yet updated in the CTS+ database.
- Sgt. Manney has been a member of service for 10 years and has been a subject in 14 CCRB cases and 48 allegations, seven of which were substantiated or cited.
  - 201903851 involved substantiated allegations of failure to provide RTKA card and two allegations of search of premises. The Board recommended charges and the NYPD’s imposed penalty is not yet updated in the CTS+ database. § 87(2)(g), § 87(4-b)
  - § 87(2)(g)
  - § 87(2)(g)
- PO Elhanafi has been a member of service for seven years and has been a subject in 12 CCRB cases and 39 allegations, one of which was substantiated.
  - 202003707 involved a substantiated allegation of physical force. The Board recommended Command Discipline B and the NYPD’s imposed penalty is not yet updated in the CTS+ database.
- PO Zorrilla has been a member of service for five years and has been a subject in 10 CCRB cases and 34 allegations, one of which was substantiated.
  - 201907037 involved a substantiated allegation of discourtesy – word. The Board recommended Command Discipline A and the NYPD’s imposed penalty is not yet updated in the CTS+ database.

#### **Mediation, Civil, and Criminal Histories**

- This case was not suitable for mediation.
- As of September 16, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed with regard to this incident (BR 71).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

§ 87(2)(b)  
§ 87(2)(b)  
• § 87(2)(b)

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Squad No.: 10

Investigator: Ethan C. Waterman      Inv. Ethan Waterman      March 16, 2022  
Signature      Print Title & Name      Date

Squad Leader: Eric Rigie      IM Eric Rigie      3/16/2022  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date